

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: December 14, 2005

Concurrent Use No. 94002124

Woodstock's Enterprises, Inc.
(Oregon)

v.

Woodstock's Pizza LLC

To: Woodstock's Pizza, LLC
1010 Turquoise Street
Suite 205
San Diego, CA 92109

Re: Registration No. 2425957
Issued: February 6, 2001

Amy Matelski, Paralegal Specialist

The Board's notice instituting this proceeding was returned as undeliverable to registrant. In view thereof, the institution order is hereby remailed.

The applicant in application Serial No. 76199098 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant	: Woodstock's Enterprises, Inc.
Applicant's address	: 1045 N.W. King Blvd Corvallis, OR 97330
Applicant's mark	: Woodstock's
Goods or services	: restaurant services
Filing date	: January 23, 2001
Territory of use	: the area comprising the entire United States, except the state of California
Attorney	: Nancy J. Moriarty Chernoff Vilhauer Mcclung &

Stenzel LLP
1600 Ods Tower 601 SW Second Ave
Portland, OR 97204

In its application, the applicant has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark. Your mark, goods or services, and territory of use, *as acknowledged in* the referenced application, are set out below in a summary of details of the application. A copy of the application as filed is included herewith.

Your mark : Woodstock's
Your goods or services : restaurant services
Your territory of use : state of California

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

The proceeding will be conducted in accordance with the Rules of Practice in Trademark cases, as set out in Title 37 of the Code of Federal Regulations. Rule 2.99 thereof, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified as a concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty day after the mailing of the notice.

You are allowed until **40 days from the mailing date above** to file an answer in accordance with Rule 2.99. If filed, the answer should be directed to the allegations relating to concurrent use recited in the application identified herein.

You are also requested to advise the Board of any relevant applications or registrations, other than those

already listed herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before [due date].

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party WITHIN THIRTY DAYS after completion of the taking of testimony. Rule 2.125.

Discovery to open: January 3, 2006

Discovery to close: July 2, 2006

Testimony period for party in
position of plaintiff to close: September 30, 2006
(opening thirty days prior thereto)

Testimony period for party in
position of defendant to close: November 29, 2006
(opening thirty days prior thereto)

Rebuttal testimony period to close: January 13, 2007
(opening fifteen days prior thereto)

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Rule 2.129.

CC:

NANCY J. MORIARTY
CHERNOFF VILHAUER MCCLUNG & STENZEL LLP
1600 ODS TOWER 601 SW SECOND AVENUE
PORTLAND, OR 97204